

5-A

FINDINGS OF FACT

City of Woodburn
Periodic Review and Urban Growth Boundary Amendments

FINDINGS OF FACT
GOALS 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13

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Introduction & Background

Periodic Review and General Update to Comprehensive Plan

Woodburn's 1997 periodic review work program calls for substantial review of its comprehensive plan and implementing regulations. Woodburn earlier completed, and LCDC acknowledged, work tasks 5 and 6. This 2005 decision concludes all the remaining work required in the work program. The final products of the work tasks are amendments to the comprehensive plan text and map, Woodburn Development Ordinance and zoning maps, and the Transportation System Plan.

In addition to the periodic review work, this 2005 decision includes some comprehensive plan map and zoning map amendments that are "housekeeping" corrections. Those corrections include situations where the zoning and comprehensive plan designation for a property are inconsistent, where properties were bisected by plan and/or zone boundaries, or where the plan and/or zone designation did not appear appropriate when considering surrounding uses and potential for redevelopment.

New and Amended Ordinances

The Periodic Review adopted amendment package includes an ordinance that amends the following:

1. City of Woodburn Comprehensive Plan Text.

The Woodburn Comprehensive Plan text is reorganized and updated. New and amended provisions are included on the following elements of the Comprehensive Plan:

- a. Agency involvement,
- b. Residential land use,
- c. Industrial land development and employment,
- d. Commercial land development and employment,
- e. Growth management and annexation,
- f. Transportation,
- g. Public facilities,
- h. Natural and cultural resources,
- i. Downtown design,
- j. Parks and recreation, and
- k. Energy conservation

The Council adopted additional documents as elements of the Comprehensive Plan. These are:

- a. Woodburn Economic Development Strategy, ECONorthwest (2001)

- b. Woodburn Transportation System Plan, CH2Mhill (2005)
- c. Woodburn Public Facilities Plan (2005)
- d. Local Wetlands Inventory, Shapiro & Associates (2000)

2. City of Woodburn Comprehensive Plan Text and Map

- a. The UGB was expanded in five areas
 - i. South exception area (Highway 99E)
 - ii. West exception area (Butteville Road)
 - iii. Northeast exception area (Highway 99E)
 - iv. North resource area consisting of part of the Tukwila Golf Course and single family residential area
 - v. Southwest resource area including planned industrial, mixed use and single family residential areas
- b. Application of a mixed use nodal development zone to the southwest UGB expansion area and land within 2002 UGB
- c. Change in plan designations within the 2002 UGB to maximize efficient use of land.
- d. Application of an Interchange Management Area Overlay
- e. Application of the Riparian Corridor and Wetlands Overlay District to protect stream corridors, wetlands and 100-year floodplains
- f. "housekeeping" amendments to change in zone designations throughout the City to more appropriate designations to:
 - i. Make a single zone designation on a parcel,
 - ii. Make zoning more consistent with surrounding parcels,
 - iii. Make zoning consistent with plan,
 - iv. Remove open space designation from private property,
 - v. Be consistent with use,
 - vi. Change designation of public property to P-SP,
 - vii. Provide commercial use on Young St.,
 - viii. Provide multi-family designation in older lower quality residential area

3. City of Woodburn Development Ordinance text

- a. Included the following new zoning districts
 - i. Nodal neighborhood commercial overlay district (NNC)
 - ii. Nodal overlay districts (single family, multifamily and neighborhood commercial)
 - iii. Southwestern Industrial Reserve Overlay District (SWIR)
- b. New minimum density standards for RS, R1S and RM zones
- c. Reduced lot width and depth standards, RS zone
- d. Reduced lot width and street frontage standards in R1S zone
- e. Reduced minimum lot area for duplexes in RM zone
- f. Changed Significant Wetlands Overlay District (SWOD) to Riparian Corridor Wetlands Overlay District (RCWOD); adds protection to riparian corridors, undeveloped floodplains as well as significant wetlands.
- g. Established Interchange Management Area Overlay District

4. City of Woodburn Zoning Map

- a. Included the following new zoning districts
 - i. Nodal Neighborhood Commercial district (NNC)
 - ii. Nodal single family district (RSN)
 - iii. Nodal multifamily district (RMN)
 - iv. Southwestern Industrial Reserve District (SWIR)
- b. Changed Significant Wetlands Overlay District (SWOD) to Riparian Corridor Wetlands Overlay District (RCWOD)
- c. Added a new Interchange Management Area (IMA) Overlay

Summary of Decisions

Woodburn considered several expansion alternatives and analyzed several measures to increase the intensity and efficiency of land use within the UGB. To increase efficiency of use of the buildable land within the UGB, the City adopted a new minimum density requirement and adopted four new overlay plan designations and zone designations:

- 1. Low Density Residential Nodal Development Overlay (RSN)
- 2. Medium Density Residential Development Overlay (RMN)
- 3. Commercial Nodal Development Overlay (NNC)
- 4. Southwest Industrial Reserve Overlay (SWIR)

The two residential nodal overlay districts (RSN and RMN) encourage neighborhood-serving commercial developments surrounded by well-designed multi-family, attached single family (row houses) and small lot single-family development, with active and accessible parks. They provide a community identity and services to higher density, nodal residential development within walking distance (generally one-half mile or less) of the center. Nodal development will be designed with a pedestrian focus, with interconnected streets and pedestrian walkways, alleys serving garages located at the rear of lots, and with limited parking. Master plans are required for land within Nodal Overlay districts.

The Nodal Neighborhood Commercial (NNC) district permits all uses permitted in the Downtown Development and Conservation zone (DDC). It is intended to serve the routine daily needs of nearby residents and employees, and be accessible to pedestrians and bicyclists, as well as automobiles. This district also permits residential development above ground floor commercial.

The Southwest Industrial Reserve District (SWIR) protects sites included within the UGB and designated for industrial use for the exclusive use of targeted industries identified in the Woodburn Economic Opportunities analysis (EOA). This objective is accomplished by requirements for master planning, retention of large industrial parcels, and restricting non-targeted industrial land uses.

To satisfy Goal 5 requirements to protect natural resources, Woodburn adopted a new Riparian Corridor and Wetlands Overlay District (RCWOD). It protects riparian corridors, wetlands, and 100-year floodplains. The RCWOD follows the Goal 5 "safe harbor" provisions outlined in OAR 660, Division 23.

Other efforts that Woodburn took to encourage growth within the 2002 (pre-amendment) UGB and to encourage efficient use of land within the expanded 2005 UGB are summarized below.

- The Woodburn Comprehensive Plan (2005) and WDO provide opportunities for densities above 10 dwelling units per net buildable acre outside of highly parcelized exceptions areas.
- Except for the developed MacLaren Youth Correctional Facility and a cemetery located south of town, all exceptions areas adjacent to the UGB are included within the expanded 2005 UGB.
- Infill and redevelopment were relied upon to meet most commercial land needs. Commercial plan amendments are virtually prohibited near Interstate 5.
- Liberal assumptions regarding redevelopment of commercial land, "infill" on residential land, and the availability of undeveloped portions of existing industrial land were applied.
- Measures were adopted to ensure that industrially-designated land within the Southwest Industrial Area (SWIR) is retained in agricultural use until targeted employer requirements are met.
- The SWIR and the Parr Road Nodal Development Area require master planning before annexation and provision of urban services.
- Minimum density requirements for all residential land were adopted.

Woodburn decided to pursue a strong economic growth strategy that is supported by the Economic Opportunities Analysis (EOA) and the adopted Economic Development Strategy (EDS). Such a strategy is encouraged by ORS 197.212 and the Goal 9 Rule (OAR 660, Division 009). These state laws require cities "to identify the types of sites that are likely to be needed by industrial and commercial uses which might expand or locate in the planning area." These requirements do not require the City's planning for economic growth to be based on the City's population projections. The EOA makes it clear that Woodburn lacks the types of sites necessary to attract basic employment to Woodburn, and that provision of suitable sites for such employment likely will lead to employment growth. Woodburn's strategy includes improving the socio-economic level of the community and providing local jobs for local residents. The amendments provide sites that correspond directly to the EOA and a subsequent and more specific memorandum prepared by ECONorthwest in October 2003, titled "Site Requirements for Woodburn Targeted Industries." The Southwest Industrial Area (SWIR) includes one 100-

acre site that is reserved for a single user and which, under the SWIR regulations, cannot be further divided. Other parcels must be retained in sizes sufficient to meet the size needs of targeted industries. Woodburn is providing an opportunity for target industries to locate in Woodburn, a variety of industrial sites to allow for different types of target industries, and choice in the marketplace.

Marion County maintains large lot sizes through EFU zoning for large vacant parcels within the unincorporated urbanizable area. In the SWIR and Parr Road Nodal Development area EFU zoning will continue to apply until a master plan showing maximum efficiency of land use has been approved by the City, the land is annexed, and urban zoning has been applied.

Woodburn has five existing exceptions areas adjacent to the 2002 UGB:

- Butteville road rural Residential Exception Area (155 gross acres)
- Northeast (Hwy 99E) Rural residential Exceptions Area (12 gross acres)
- MacLaren School Institutional Exceptions Area
- Southeast (Hwy 99E) Commercial Exceptions Area (13 gross acres)
- Southeast (Hwy 99E) Residential Exceptions Area (21 gross acres)

Except for the MacLaren School (a state juvenile detention facility) and an existing cemetery, all non-resource land (i.e., areas that already had an exception taken) adjacent to the Woodburn UGB were included within the expanded UGB.

Only two of the exception areas contain land that is usable for new development – the residential exception area to the northwest and the commercial exception area to the south. Both of these exception areas were included in the UGB to help meet 2020 residential and commercial needs. The residential exception areas contain 107 net buildable acres, but due to the existing parcelization and development pattern, this land is not very efficient for meeting residential needs. The commercial exception area contains buildable acres that were applied toward 2020 commercial needs.

Residential UGB expansion into the North and Southwest study areas

The amended 2005 UGB includes land to the north and southwest of the 2002 UGB to meet 2020 residential needs. This expansion area includes part of the developed Tukwila Golf Course, and is designated as Single Family Residential (SFR) on the amended 2005 Comprehensive Plan Map. It is expected to meet both SFR needs as well as some park and school needs.

Residential expansion to the southwest includes lands designated Single Family (SFR) and Medium Density Residential (MDR) on the 2005 periodic review amended Comprehensive Plan

Map. Much of the residential expansion in the southwest is within the Parr Road Nodal Overlay area.

The need for low density infill housing will be accommodated to a limited extent within the Butteville Road, Northeast and Southeast Rural Residential Exception Areas. The Northeast Rural residential Exception Area is fully developed for urban low density residential uses and has no remaining development capacity. However, by including this area within the UGB, the City now has the ability to provide full urban services and facilitate possible redevelopment, thus meeting a livability need.

The need for institutional growth cannot be met by the MacLaren School exceptions area. This state facility already has urban services and is not available to meet long-term institutional needs in Woodburn.

The need for highway commercial uses will be met to a limited extent within the Southeast Commercial Exception Area. This area has a range of low-intensity development uses. The Council plans for this and other “strip commercial” properties along Highway 99E to redevelop over time, reducing the need to designate new commercial areas.

Commercial Expansion

The Council deliberately under-allocated commercial land to encourage redevelopment along Highway 214, Highway 99E and in Downtown Woodburn. Woodburn assumed that most future commercial employment would be located on existing commercial lands through intensification and redevelopment. New commercial uses are located within the residential expansion areas to the north and southwest of the 2002 UGB and are designed to be neighborhood-serving development.

Industrial Expansion

The amended UGB includes lands to the west and southwest of the 2002 UGB to meet 2020 industrial site suitability needs. These lands are part of the Southwest Industrial Reserve (SWIR), which has been reserved exclusively for meeting industrial site needs identified in the EOA, will maintain large parcel sizes, and will require master planning to develop.

Parr Road Nodal Overlay Area

The vast majority of Woodburn’s vacant residential land supply is in the southwest portion of the 2002 UGB. As this land is not yet developed, it provides a unique opportunity to combine vacant land within the existing UGB with land to the north of the proposed Southern Arterial, to create a mixed-use nodal area. The intent of the Nodal Overlay is to allow for pedestrian-friendly, higher density single- and multi-family residential development surrounding a commercial center. This will have several long-term advantages for Woodburn including efficient urban development, reduced public facilities costs, compact urban form, and reduced

transportation costs for residents. It is also close to future industrial employment opportunities, additional shopping, and present and future parks and schools.

Mixed-Use Areas

One of the measures adopted to achieve higher densities within the 2002 UGB is the creation of the Nodal Development Comprehensive Plan Overlay (NDO) for use on Commercial lands within the Parr Road Nodal Overlay area. Expected development within the NDO includes housing above commercial in the form of apartments or condominiums. The NDO provides opportunities for intensification of commercial land use and increased residential densities close to urban commercial amenities.

Transportation System Plan Update - Transportation System Extension

The Periodic Review decision package includes an updated Woodburn Transportation System Plan (2005) (TSP), which the Council adopted as a functional element of the 2005 amended Woodburn Comprehensive Plan. Updating the transportation element of the Comprehensive Plan was Task 3B of the periodic review work program. In addition to fulfilling periodic review requirements, planning for near- and long-term transportation system needs was a priority of the City.

The 2005 Woodburn TSP describes improvements to existing transportation facilities, as well as proposed new facilities that will support the Comprehensive Plan and UGB amendments. To the north, Crosby Road is shown as improved to minor arterial standards. This will provide a buffer between residential expansion south of Crosby and agricultural land north of Crosby, as well as support residential development in the northern expansion area. To the west, the TSP shows Butteville Road as an arterial street that will eventually connect with the “South Arterial.” These two arterial streets are needed to provide access from Southwest Woodburn to the I-5 interchange. In the southwest, the 2005 Woodburn TSP shows extensions of Evergreen Road and Stacey Allison Drive, which will support and serve the industrial expansion area. A new “South Arterial” is shown as running from Butteville Road, across the southern edge of the existing UGB, to Highway 99E on the east side. This South Arterial will provide a vital east-west connection from Highway 99E to I-5, and will support southwest industrial uses as well as new residential development in the Parr Road Nodal Overlay Area.

Public Uses

The amended Comprehensive Plan and UGB includes the opportunity for development of needed parks and schools in the residential expansion areas. In the northern expansion area, there is expected to be at least one community park and an elementary school to serve residential expansion. In the southwest, an existing community park can expand into new residential lands. Near the commercial section of the Parr Road Nodal Overlay area, there is an opportunity to create an urban plaza to serve both surrounding MDR residents as well as commercial consumers.

This document together with the Woodburn UGB Justification Report, shows how Woodburn has satisfied its Periodic Review Work Program and complied with all applicable statewide goals, statutory and administrative rule requirements. Where a requirement applies, generally, the requirement is quoted and set out in ***bold face and italics***, followed by the City Council's findings on that requirement.

PERIODIC REVIEW WORK TASKS COMPLETED

LCDC approved a periodic review work program for Woodburn on July 31, 1997. The work program is extensive, containing nearly all the tasks essential to completing an initial comprehensive plan. Woodburn previously completed and DLCD acknowledged a few work tasks. This project completes all of the remainder.

POPULATION GROWTH PROJECTIONS.

A subtask that is common to Work Tasks 1.A (buildable lands inventory), 2.B. (commercial and industrial lands inventory) and 3.A. (update facilities plan) requires Woodburn to coordinate with Marion County for a population allocation upon which Woodburn should base its work in those tasks. Marion County, on November 24, 2004, adopted a coordinated population of 34,919 to the City of Woodburn. This population forecast was based on a population projection prepared by ECONorthwest that considered the likely growth effects of a successful economic development program. However, even without such a program, as observed by Housing Analyst Richard Bjelland, the coordinated population projection likely under-estimates population growth in Woodburn.

Amend Comprehensive Plan and Regulations -- Overview

The final subtask for each work task requires Woodburn to adopt comprehensive plan policies and regulatory provisions resulting from work done in completing other subtasks. The periodic review decision package includes amendments to the comprehensive plan text and map. The Comprehensive Plan was amended in both nonsubstantive and substantive ways.

Nonsubstantive changes include:

1. Background documents were separated from policy choices, so that a comprehensive plan amendment will not be required if a change is made to background studies.
2. Narrative statements were updated and edited for clarity.
3. The sections of the plan were reorganized.
4. The goals and policies were amended to reflect the policy choices resulting from the periodic review work and for clarity.

Substantive changes include:

1. The UGB was expanded to include sufficient land to meet 2020 growth needs.
2. New urban plan designations were placed on land added to UGB.
3. A Nodal Development overlay designation was added. A Nodal residential area has a commercial center surrounded by a higher density area and design standards.
4. An industrial reserve area was designated in the southwest part of the expanded UGB, which is key to implementing Woodburn's economic development objectives, including protections to assure its use for targeted industries:
 - a. Reserve for use of target industries
 - b. Maintain large lot sizes
 - c. Prohibit commercial rezoning
 - d. Provide access to I-5
 - e. Require master planning
5. The transportation system plan was amended.

The amendments to the comprehensive plan will:

1. Allow on average up to 10.6 dwelling units per net buildable acre outside of exception areas.
2. Provide a residential mix of 60% single family and 40% multiply family.
3. Protect industrial reserve area.
4. Assure that residential developments will be at least 80% of allowed density.
5. Provide for infill and redevelopment.

WORK TASK 1.A. Buildable Lands Inventory

Work task 1a of Woodburn's periodic review program required Woodburn to complete a buildable lands inventory. The Council adopted Technical Report 1, Buildable Lands Inventory as a background document to the 2005 amended Woodburn Comprehensive Plan.

Subtask 1.A(3) – Demographic, Economic, Transportation trends

Work Task 1A(3) required Woodburn to “document recent demographic, economic and transportation trends impacting residential land.”

This work task is satisfied by the completion of:

1. Woodburn Economic Opportunities Analysis,
2. Woodburn Economic Development Strategy,
3. Technical Report 2, Woodburn Residential Needs Analysis, and
4. Woodburn Transportation System Plan (2005).

Subtask 1.A.(4) – Housing Needs Analysis

Analyze demand for residential land/prepare housing needs analysis, pursuant to Goal 10, coordinate with surrounding jurisdictions to address low income housing needs.

Work task 1.A.(4) was satisfied by Technical Report 2, Woodburn Residential Land Needs Analysis. This report demonstrates that Woodburn has adequately addressed housing needs at all income levels, and in fact provides more low-income housing opportunities than other Willamette Valley jurisdictions. Woodburn satisfied the coordination required in this work task by providing notice of the public hearings to surrounding jurisdictions and by meeting the density “guideline” for Woodburn (8 units per gross acre) found in the Marion County Growth Management Framework Plan.

Subtask 1.A.(5) – Consider Applicable Policies and Regulations

Analyze comprehensive plan policies/map and inventory related to buildable land supply, Goals 10 and 14.

Woodburn reviewed and revised its housing policies and regulations to ensure consistency with Goal 10 and applicable ORS 197 requirements. See UGB Justification Report.

Subtask 1.A.(6) – Does City have a 20-Year Supply of Land?

Compare supply and demand in light of policies.

Woodburn compared its land supply and needs in the UGB Justification Report, which the Council adopted to support its decision on the periodic review package. With adopted UGB amendments, Woodburn has the capacity to accommodate urban population, employment and livability needs through the year 2020.

Subtask 1.A.(7) – Consider Ability to Service

Incorporate findings from public facilities plan that will affect availability of residential development.

Woodburn adopted the Public Facilities Plan as an element of the amended Comprehensive Plan (2005). In addition to showing that public facilities can be efficiently provided to all areas within the existing UGB, Woodburn analyzed its ability to provide sanitary sewer, water, and storm drainage facilities to the eight UGB expansion study areas. The TSP considered alternative growth scenarios and determined that growth scenarios that did not include the “South Arterial” would have an adverse affect on transportation efficiency. The Council considered the facts from the Public Facilities Plan and TSP, as one among several factors to determine what lands should be designated for residential use and where to expand the UGB for residential use.

Subtask 1.A.(8) - Consider Economic Policies

Coordinate proposed comprehensive plan map changes with findings and recommendations from commercial and industrial land study.

Woodburn evaluated its commercial and industrial land supply needs in its Economic Opportunities Analysis and Economic Development Strategy and in a 2003 memoranda prepared by ECONorthwest. Woodburn amended its comprehensive plan text, plan map, WDO regulations and zoning map to implement the findings and recommendations of its economic development study. See UGB Justification Report, Woodburn Comprehensive Plan (2005), WDO, and the Woodburn Comprehensive Plan and Official Zoning Maps.

Subtask 1.A.(9) – SMART Development

Adopt approved SMART development recommendation, research overlay district/infill strategies.

Woodburn incorporated SMART development policies into the periodic review comprehensive plan and WDO amendments to the extent applicable and feasible in Woodburn. The primary amendments include the creation of nodal overlays that increase densities and encourage mixed-use pedestrian oriented developments and provision of an option for narrower local street right of ways.

WORKTASK 1.B. PREPARE GROWTH MANAGEMENT ORDINANCE

This task requires Woodburn to prepare implementing land use ordinances based on the results of Tasks 1.A, 2 and 3.

Based on the results of tasks 1.a., 2 and 3, the Council amended the WDO to (1) add the new nodal neighborhood commercial (NNC) and Nodal Overlay District (NOD), Southwest Industrial Area (SWIR) districts, (2) add new minimum density standards, (3) reduce the lot width and depth standards in the RS zone, (4) reduce lot width and street frontage standards in the R1S zone, and (5) reduce the minimum lot are for duplexes in the RM zone.

WORKTASK 2. Commercial and Industrial Lands Inventory

This work task required the city to evaluate its commercial and industrial land needs, in conjunction with its evaluation of its residential land needs required in work task 1. It requires the City to then adopt a necessary land use plan and/or zoning map changes, growth management policies and/or standards based on those needs.

Subtask 2.(3) – Demographic, Economic, Transportation Trends

Document recent demographic, economic and transportation trends impacting commercial and industrial land use.

Woodburn documented recent demographic, economic and transportation trends affecting commercial and industrial land use in its Economic Opportunities Analysis and Economic Development Strategy. See UGB Justification Report.

Subtask 2.(4) – Land Demand

Analyze demand for industrial and commercial land.

Woodburn analyzed the demand for industrial and commercial land in the Economic Opportunities Analysis and Economic Development Strategy. See Goal 9 findings in this document and in the UGB Justification Report.

Subtask 2.(5) – Evaluate Industrial/Commercial Sites

Evaluate and map industrial and commercial sites to determine if they are development ready, have service available, or have development constraints.

Industrial and commercial sites were inventoried in the Buildable Lands Inventory (Technical Report 1). Woodburn analyzed the City's ability to serve industrial sites in the Public Facilities Plan, which the Council adopted as an element of the 2005 amended Comprehensive Plan.

Subtask 2.(6) – Review Economic Policies

Analyze adequacy of comprehensive plan policies related to Goal 9.

Woodburn analyzed the adequacy of the City's comprehensive plan policies related to Goal 9 and made appropriate amendments to the plan text. Woodburn also adopted the Economic Development Strategy (EDS), which provides detailed economic development policy direction.

Subtask 2.(7) – Evaluate Sufficiency of Land Supply

Compare supply and demand in light of policies.

Woodburn analyzed the supply of industrial land in the Buildable Lands Inventory and the demand in the City for industrial and commercial land in the Economic Opportunities Analysis and the UGB Justification Report. The City compared the supply of suitable industrial sites to future demand and amended the plan to expand the UGB and amended the plan map designations to ensure that there is a supply of land available to meet projected economic needs of targeted employers. To meet commercial land needs, Woodburn relied on (a) new nodal commercial designations, and (b) redevelopment and infill of existing commercial properties. See UGB Justification Report.

Subtask 2.(8) – Consider Ability to Service

Incorporate findings from the public facilities plan and natural resources study (wetlands, floodplain, sensitive aquifers, wellhead protection) that will affect serviceability of Goal 9 lands.

Woodburn incorporated findings from the Public Facilities Plan by adopting the Public Facilities Plan as an element of the Comprehensive Plan. Woodburn considered the relatively costs of providing services to alternative UGB expansion areas, as shown in appendices to the PFP. Woodburn also considered the “buildability” of land within the UGB and within alternative UGB expansion areas, as shown in the Buildable Lands Inventory and UGB Justification Report. Woodburn identified protected riparian corridors, wetlands, and the 100-year floodplain on the Comprehensive Plan Map and a Riparian Corridor and Wetlands Overlay District (RCWOD) on the zoning map.

Subtask 2.(9) – Consider Residential Lands

Coordinate proposed comprehensive plan map changes with the findings and recommendations from the residential land housing study to ensure efficiency (Goal 14, factor 4) and compatibility of land uses.

Woodburn considered its residential land needs for the planning period in Technical Report 2, Woodburn Residential Land Needs Analysis. The information from all studies, adopted either as an element of the Comprehensive Plan or a background document, was considered and included in amendments to the comprehensive plan text, plan map, WDO regulations and zoning map. See also Woodburn UGB Justification Report. Compatibility of land use was explicitly considered by the Council’s decision to concentrate the SWIR in Southwest Woodburn, and to concentrate new residential development in North and South Woodburn, as explained further in the UGB Justification Report.

WORK TASK 3.A. UPDATE PUBLIC FACILITIES PLAN

Work Task 3.A. required Woodburn to coordinate and update its Public Facilities Plan, and incorporate revised Comprehensive Plan policies consistent in serving growth management approaches developed in Task 1. The Council has adopted the PFP as a functional element of the Woodburn Comprehensive Plan.

Subtask 3.A(4) – Wastewater Plan

Woodburn adopted its Wastewater Treatment Plan, amended the wastewater elements of the Woodburn 2000 Comprehensive Plan, and modified the narrative abstracts, goals and policies relating to water and wastewater in August 1997. Copies of the wastewater treatment plan and comprehensive plan amendments were provided to DLCD at that time. Projects from the Wastewater Treatment Plan necessary to serve land within the UGB are included or referenced in the PFP.

Subtask 3.A(5) – Water Plan

Complete water plan:

- a. Sensitive aquifers inventory;***
- b. Wellhead protection plan;***
 - 1. Identify and describe the resource and conflicting use;***
 - 2. Analyze data[a]***
 - 3. Prepare technical paper;***
 - 4. Evaluate impacts on buildable land inventory;***
- c. Hazard substance cleanup site inventory; and***
- d. Look at water rights.***

A city is required, at each periodic review, to inventory and protect significant groundwater resources. Significant groundwater resources are limited to 1) critical groundwater areas and groundwater limited areas designated by Oregon water resources commission (OWRC); and 2) wellhead protection areas if a city chooses to designate such areas. OAR 660-023-0140(2).

Oregon Department of Human Services and Department of Environmental Quality have developed a Source Water Protection Plan for the City. The plan inventories potential sources of contamination, establishes best management practices for industries within the influence zone of the City's wells, allows the City to develop ordinances to provide protection of the aquifer and maps the flow patterns of the aquifers. The Troutdale aquifer, from which the City's wells obtain the City's drinking water supply is not a critical or restrictively classified groundwater area. The City does not plan at this time to request certification of the delineations in the Source Water Protection Plan for Statewide Planning Goal 5 purposes.

Woodburn looked at its water rights in the Water Master Plan and found that Woodburn has sufficient water rights to meet projected water demands through the year 2020.

Subtask 3.A.(6) – Stormwater Plan

Complete storm water plan.

Woodburn has had a storm drainage master plan prepared. The substance of that plan is included in the Public Facilities Plan, which the Council adopted as an element of the amended 2005 Comprehensive Plan.

Subtask 3.A.(7) – Public Facilities Plan

Incorporate findings into a public facilities plan.

The Woodburn Council adopted a Public Facilities Plan as an element of the amended 2005 Comprehensive Plan

WORK TASK 3.B. REVISE TRANSPORTATION SYSTEM PLAN (TSP)

Amend the TSP based on the applicable land use and public facilities planning results and recommendations from Tasks 1, 2 and 3.a

Woodburn has revised the TSP and the Council adopted the Woodburn Transportation System Plan (2005) as an element of the Woodburn Comprehensive Plan (2005). Projects from the TSP also are included in the PFP.

Subtask 3.B.(2). – Update TSP

Update transportation plan/refinement study. Refinement study will be supported by buildable lands inventory, needs analysis and populations forecast. Update TAZ and amend the TSP to provide for OAR 660-12-060 land use and transportation coordination.

Woodburn revised its Transportation System Plan, which the Council adopted as an element of the Woodburn Comprehensive Plan (2005).

WORK TASK 4. WETLANDS, INVENTORY AND NATURAL RESOURCES STUDY

An inventory of wetlands, riparian corridors and wildlife habitat will be prepared, along with supporting maps, policies and land use ordinances.

Subtask 4.(2) – Review new Goal 5 requirements (OAR 660-23)

Woodburn has reviewed the current Goal 5 requirements and opted to follow the “safe harbor” provisions for riparian corridors and wetlands, including wildlife habitat within these protected areas, the only Goal 5 resources in the City's UGB. Woodburn's protection is implemented by the Riparian Corridor and Wetland Overlay District (RCWOD).

Subtask 4.(3) – Conduct inventory and assess quality according to work program approved by DSL.

Woodburn has completed a Local Wetlands Inventory (LWI), identified locally significant wetlands (LSW) and obtained DSL approval of its wetlands inventory. See City of Woodburn Local Wetlands Inventory and Riparian Assessment. Winterbrook inventoried these resources in the eight UGB study areas, as documented in Technical Report 3, Potential UGB Expansion Area Analysis, Natural Resources Inventory. Woodburn amended the WDO to comply with the safe harbor provisions for wetlands and riparian corridors through the Riparian Corridor and Wetlands Overlay District (RCWOD).

Subtask 4.(4)Propose amendments to the comprehensive plan text and to the city’s implementing ordinance consistent with the findings of other periodic review planning studies: (pedestrian/bike plan; public facilities plans; land use inventory and needs analysis; and parks plan)

The Council substantially amended the Comprehensive Plan, including plan text, and zoning ordinance (WDO) amendments that Council determined were required or desirable based on the periodic review planning studies.

WORK TASK 7. CHANGES IN GOAL/OBJECTIVE, UNANTICIPATED EVENTS

The primary changes in Woodburn’s goals and objectives resulted from the 2001 Economic Opportunities Analysis and Economic Development Strategy, the 2003 Marion County Growth Management Framework Plan, and the 2003 Housing Needs Analysis. These policy changes served as the basis for substantial amendments to the Woodburn Comprehensive Plan, subordinate functional plans, and implementing land use regulations.

WORK TASK 8. UPDATE PLAN AND ZONING ORDINANCE, OTHER RELATED ORDINANCES.

Woodburn has adopted major revisions to its comprehensive plan and land use regulations to address issues identified during the Periodic Review process. In addition, this work task identified several “housekeeping items” that the City should address. Some plan policies needed to be updated that address Goals 5, 6, 8, 9, 10, 11, 12, and 14. Others needed revision based on legislative changes since the last periodic review. Changes to the zoning ordinance (chapters 1-40), sign, tree, subdivision, landscape standards, and flood plain ordinances were also identified as needed. The amendments specified in this paragraph are addressed below.

Plan Policies Updates

Sign Ordinance

The Council adopted a new sign ordinance that is incorporated as chapter 3.110 of the WDO. The ordinance was adopted on March 22, 2004 (Ordinance No. 2359), provided to DLCD as a post-acknowledgment decision and is acknowledged.

Tree provisions

After first considering and then not adopting a tree ordinance in 2003, the Council determined instead to include tree protection provisions in the WDO that apply only to lots subject to development application approvals. No change has been made in this periodic review decision package.

Subdivision Provisions

In 1999, when the periodic review work program was approved, Woodburn’s subdivision ordinance was a separate ordinance from the zoning ordinance. The provisions in the former subdivision ordinance were incorporated in the WDO when it was adopted in 2002. No amendments implicated the statewide goals. Woodburn submitted the WDO to DLCD as a post acknowledgement decision. The revisions are now acknowledged. No changes to the subdivision provisions are included in the periodic review WDO amendments.

Floodplain Ordinance

The only identified natural hazard in Woodburn is the 100-year flood area. Because this area contains the most unstable soils for development and development in the flood area is subject to flooding hazard, the City flood hazard area regulations require a permit to build within the flood hazard area (Flood Plain Ordinance No. 2018). The Ordinance meets the requirements of the Federal Flood Insurance (FEMA) program. Under the Woodburn Floodplain Ordinance

structures may be built in the flood hazard area but must be anchored, have their floor level above the flood level, and designed so that foundations do not impede flow. Similarly, no fill is permitted that would result in any increase in flood levels.

The periodic review amendments include a substantially revised Riparian Corridor and Wetlands Overlay District (RCWOD) that also protects lands within the 100-year floodplain. The RCWOD restricts removal of vegetation, with certain exceptions prohibits building, paving, grading and fill, and provides a variance process if the restrictions create a hardship. New construction (other than streets and utilities) is prohibited within undeveloped floodplain areas, as mapped on the Buildable Lands Inventory.

Landscaping Standards

In 1999, when the periodic review work program was approved, Woodburn's landscape ordinance was a separate ordinance from the zoning ordinance. The provisions in the former landscape ordinance were incorporated into the WDO when it was adopted in 2002. Woodburn submitted the WDO to DLCD as a post acknowledgment decision. The revisions are now acknowledged. No changes to the landscape provisions are included in the periodic review WDO amendments.

Subtask 8(2). – Ensure Plan Is Consistent With Goals

Review all current comprehensive plan policies and implementing ordinances for consistency with statewide planning goals.

A primary purpose of these findings is to demonstrate that all 2005 amended comprehensive plan policies and implementing ordinance are consistent with statewide planning goals.

Subtask 8.(3). – Ensure Plan and Regulations Consistent With Statutes

Review all current comprehensive plan policies and implement[ing] ordinances for consistency with legislation.

A primary purpose of these findings is to demonstrate that all comprehensive plan policies and implementing ordinances are consistent with applicable statutes. Generally, applicable statutes relate to a statewide goal. The applicable statutes are addressed under the associated goal.

Subtask 8.(4) – Ensure Regulations Consistent With Plan

Review zoning ordinance and other implementing ordinance[s] for consistency with comprehensive plan.

Woodburn did a comprehensive review and amendment of its comprehensive plan and implementing regulations in this periodic review. The Comprehensive Plan is the general

document containing policies. The Council adopted the amended Woodburn Transportation System Plan (2005) as a functional element of the amended Comprehensive Plan (2005). Woodburn reviewed and amended the implementing regulations, contained in the WDO, to ensure that they are consistent with the Comprehensive Plan.

WORK TASK 9. PLANNING COORDINATION

Subtask 9.(2). – Marion County IGA

Review Urban Growth Boundary Agreement.

Woodburn reviewed and amended its Urban Growth Boundary Coordination Agreement (UGBCA) with Marion County, considering current conditions and the County's Growth Management Framework Plan.

Subtask 9.(3) – Special Districts and State Agencies

Review or establish agreements with fire district, school district, Marion County, ODOT, and other agencies found to be necessary (ORS 195.065).

ORS 190.065 requires a city to enter into an "urban service agreement" with a special district that provides an urban service within the city's UGB if the County has identified that they are appropriate parties to such an agreement. Marion County has not identified that the City needs an urban service agreement with any district. The City of Woodburn is a full service city, except that the Woodburn Fire District provides fire services within the City, within the City's UGB and beyond.

Subtask 9.(4) – Amend Plan and Regulations

Recommend amendments to the comprehensive plan text and to the city's implementing ordinances, consistent with the findings of the study

Woodburn has incorporated into its comprehensive plan and the Woodburn Development Ordinance (WDO) those provisions that it determined from the periodic review studies to be necessary or desirable. These amendments are substantial and are further described in the introduction to this document and in the UGB Justification Report.

WORKTASK 10. CITIZEN INVOLVEMENT

Citizen involvement throughout the periodic review process will comply with the provision within the comprehensive plan. The planning commission will serve as the citizen advisory involvement committee. The city will maintain an interested parties

mailing list and provide written notification. This task will be completed by submittal of a citizen involvement report.

Woodburn has satisfied this work task by following its citizen involvement program in making the decisions involved in the 2004 period review decisions. The Woodburn Citizen Involvement Report provides detailed information on the series of open houses, public hearings, and work sessions held by staff, the Planning Commission and City Council that led to the ultimate adopted of the Periodic Review Amendment Package.

Compliance with State Requirements

Thirteen of Oregon's 19 Statewide Planning Goals apply to amendments of Woodburn's Comprehensive Plan or implementing regulations:

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning (OAR Chapter 660, Division 4)
- Goal 3: Agricultural Land (ORS 215.243; OAR Chapter 660, Division 33)
- Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR Chapter 660, Division 23)
- Goal 6: Air, Land and Water Resources Quality
- Goal 7: Areas Subject to Natural Disasters and Hazards
- Goal 8: Recreational Needs
- Goal 9: Economy of the State (ORS 197.712; OAR Chapter 660, Division 9)
- Goal 10: Housing (ORS 197.296-314; OAR Chapter 660, Division 8)
- Goal 11: Public Facilities and Services (OAR Chapter 660, Division 11)
- Goal 12: Transportation (OAR Chapter 660, Division 12)
- Goal 13: Energy Conservation
- Goal 14: Urbanization (ORS 197.296-298; OAR Chapter 660, Division 4)

The following sections set out the requirements that apply to demonstrating that Woodburn's periodic review decision comply with applicable statewide goals, statutory and administrative rules related to Goals 1 through 7, 11, 12 and 13. The UGB Justification Report demonstrates that this decision complies with statutes, goals and rules related to Goals 2, 5 and 7 through 14. Where a requirement applies it is set out in bold face and italics, followed by the City Council's findings on that requirement. Generally, these findings direct a reader to a document that contains the elemental facts. The heading of each section identifies the goal and the associated applicable statute[s] and/or administrative rule[s].

Goal 1: Citizen Involvement - ORS 197.160

Woodburn is required by ORS 197.160 and Goal 1 to establish a program for citizen involvement “in preparing, adopting and amending comprehensive plans and land use regulations.” ORS 197.160 establishes standards that apply when a City adopts or amends a citizen involvement program. It does not establish requirements for reviewing other types of plan amendments that apply the citizen involvement program. In other words, unless a City is amending its citizen involvement program, Goal 1 is satisfied as long as the City follows its unamended citizen involvement program.

The Woodburn periodic review package includes an amendment to comprehensive plan provisions that concern its citizen involvement policies.. The amended citizen involvement policies would apply to future land use decisions.

Existing Woodburn Comprehensive Plan Provision

The Woodburn Comprehensive Plan (2005) contains one policy related to citizen involvement; Policy E-1 provides as follows:

“It is the policy of the City of Woodburn to solicit and encourage citizen input at all phases of the land use planning process. Since the City is essentially trying to plan the community in accordance with the community’s desires, it is essential that the community be consulted at all stages of the planning program to insure decisions are in accordance with the community’s benefit.”

The “Land Use “ section of the comprehensive plan contains the following statement under the heading “I. Citizen Involvement”

“The success of the Woodburn Plan is directly related to establishing a method of receiving citizen input. While complex organizations, such as are required in larger cities, are not necessary in a city the size of Woodburn, clear lines of communication should be maintained by the Boards, Commissions, Council and staff of the City to the general public.

It is essential that a two way flow of communication be maintained for proper city government to occur, especially in land use matters.”

Amended Comprehensive Plan Provisions

The existing comprehensive plan provisions remain in the 2005 amendments. Policy E-1 is renumbered to B-1. A second Comprehensive Plan policy, B-2 was added that addresses how the city will notify state agencies. Those policies do not relate to the city’s citizen involvement requirement, but instead to its requirement to coordinate with special districts and state agencies.

Conclusion

Woodburn complied with its existing citizen involvement program. Notice was mailed to all property owners within the City, the unincorporated area within the 2002 UGB, and the UGB study areas. Workshops were held within the community to present the proposed decisions, answer questions and receive comments. In addition to open houses hosted by staff, public hearings were held before the Planning Commission and the City Council. All documents relied upon and the proposed amendments were available on the City's website, City hall, and the City library. Comments received in the public hearing processes have been retained. These findings respond to issues that were raised with sufficient specificity to allow the Council to respond to them.

Goal 2: Land Use Planning

Goal 2 Part I

Goal 2 contains several different requirements for comprehensive plans and regulations to carry them out. In summary, these are as follows:

1. Regulations must have a **basis in the comprehensive plan**
2. Regulations must be **consistent** with the plan
3. Regulations must be **adequate to carry out** the plan
4. Decisions must be **based on adequate facts**
5. Plans must **evaluate alternative courses of action** and contain ultimate policy choices.
6. **Plans must be consistent** with other plans
7. Plans must be **coordinated**

Regulations Based On, Consistent with, and Adequate to Carry Out Comprehensive Plan

All of Woodburn's land use regulations are contained in the acknowledged WDO. The WDO amendments fall within several subject areas: riparian corridors and wetlands protection (Goals 5 and 7) residential development (Goal 10), economic development (Goal 9), Transportation (Goal 12), and growth management and annexation (Goal 14). A review of those comprehensive plan and WDO amendments shows that comprehensive plan amendments were made after the Council considered alternatives, are consistent with the Marion County plan, and coordinated; and that every WDO amendment has a basis in the Comprehensive Plan, is consistent with, and adequate to carry out the Comprehensive Plan.

Adequate Factual Basis for Decisions

Goal 2 provides, in part, that:

“[a]ll land use plans shall include identification of issues, and problems, inventories, and other factual information for each applicable statewide planning goal, . . . evaluation of alternative courses of action and ultimate policy choices. . . The required information shall be contained in the plan document or in supporting documents.”

All comprehensive plans must:

- a. Identify issues and problems,
- b. Include inventories and other factual information,
- c. Evaluate alternative course of action, and
- d. Include ultimate policy choices.

The studies the City has undertaken and information received through the public hearing process has provided the Council with adequate facts upon which it based the decisions made. The assumptions for the various studies are contained within the studies. The facts that the Council relied on are set out in the findings of fact in this document, the UGB Justification Report, explanation from plan map and zoning map amendments titled Woodburn 2005 Comprehensive Plan Update, Explanation of Proposed Plan and Zoning Map Changes.

Consistent Plans

City and County comprehensive plans are consistent if they contain no actual conflicts. An unlawful inconsistency can occur only when two (or more) comprehensive plans have jurisdiction over the same property. The only other comprehensive plan that addresses the same territory as covered by the Woodburn Comprehensive Plan (2005) is the Marion County Comprehensive Plan.

Based on provisions in the City/County urban growth management area agreement (UGMA), Woodburn has been the “lead” planning agency. Marion County has adopted the urban growth boundary separating urban from rural land, and the Woodburn Comprehensive Plan as it applies to land within the UGB. Marion County administers holding zones within the unincorporated urban area. LCDC has acknowledged the Woodburn Comprehensive Plan text and plan map in its entirety for lands both within and without the City. The 2005 periodic review amendments make no change in those relationships.

Coordination Requirement

Goal 2 requires the City to provide an opportunity for affected cities, counties, special districts, and state and federal agencies to comment. It also requires the City to accommodate the needs of those entities “as much as possible.”

A Notice of Public Hearing announcing the February 3, 2005, Planning Commission and March 28, 2005, Council public hearings, explaining the nature of the proposed amendments and soliciting comments, was mailed to the following potentially affected units of government and agencies on January 14, 2005:

Oregon Department of Transportation
Department of Land Conservation and Development
Department of Environmental Quality
Oregon Department of Fish and Wildlife
Water Resources Department
Division of State Lands
Oregon State Health Division
Woodburn School District
Woodburn Fire District
Marion County Planning Department

Coordination with Marion County

Marion County will adopt the Woodburn Comprehensive Plan and Map for unincorporated land within the Woodburn UGB when it adopts the City of Woodburn's comprehensive plan text and map amendments, including functional plan elements.

Woodburn's UGBCA with Marion County provides guidance regarding the plan amendment and notification process. Woodburn followed the procedural requirements outlined in the UGMA.

Coordination with Affected Cities

Woodburn provided notice and an opportunity to comment to the cities of Hubbard and Gervais.

Coordination with Special Districts

Woodburn provided notice and an opportunity to comment to the Woodburn Fire District and the Woodburn School District.

ORS 195.110 requires a city to coordinate with "high growth" school districts and plan for new school facilities. The current student population of the Woodburn School District is 4,710 (2003-2004). The district had an average enrollment growth rate of 5% from 2001-2004. The district does not meet the threshold of a high growth district (5,000 students and a 6 percent growth rate for the last three school years).

Coordination with Affected State and Federal Agencies

Woodburn provided notice and an opportunity to comment to affected state agencies. Woodburn has amended the Comprehensive Plan (Policy B-2) to include a new policy on coordinating with state agencies.

Goal 3 – Agriculture

Woodburn is surrounded by lands designated for agricultural use. Woodburn has complied with Goal 14 and ORS 197.298 in expanding its urban growth boundary to include agricultural land. That is explained in the UGB Justification Report.

Goal 4 - Forest Lands

Goal 4 does not apply to the City of Woodburn's comprehensive plan amendment decision because no land surrounding the City is designated for forestry use.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR 660-023)

The purpose of Goal 5 is:

To protect natural resources and conserve scenic and historic areas and open spaces.

The Goal requires cities to inventory specified resources and to adopt programs to “protect natural resources” and “conserve scenic, historic and open space resources.” Some of the resources that the goal requires to be inventoried do not exist in Woodburn (specifically: federal wild and scenic rivers; state scenic waterways; approved Oregon recreation trails; natural areas listed on the register of natural resources; and federally designated wildlife areas). The Goal 5 resources that *may* apply to Woodburn are limited to the following:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Groundwater Resources;
- e. Mineral and Aggregate Resources;
- f. Energy sources;
- g. Cultural areas.

LCDC has elaborated on Goal 5’s requirements in OAR Division 23. OAR 660-023-0030 through 660-023-0050 contain the requirements for all resources. For each resource category, the rule contains standard requirements and, in some instances, an alternative “safe harbor” standard for satisfying the goal. There are safe harbor alternatives for riparian corridors and wetlands. OAR 660-23-090 and 660-023-100. Woodburn followed the safe harbor provisions and included the safe harbor requirements in the new Riparian Corridor and Wetlands Overlay District (RCWOD) amended zoning district.

Riparian Corridors and Wetland (OAR 660-023-0090 and –0100)

The safe harbor provisions for riparian corridors allow the City to determine significant riparian corridors by using a standard setback distance from all fish-bearing streams, based on ODFW maps indicating fish habitat. ODFW has designated Mill Creek and Senecal Creek as fish bearing streams. For streams with an average annual stream flow less than 1,000 cubic feet, the riparian corridor standard setback a distance of 50 feet upland from the top of each bank, defined as the 2-year flood elevation. Where a riparian corridor includes all or part of a significant wetland, the riparian corridor extends upland 50-feet from the upland edge of the wetland.

Woodburn has adopted plan policies and implementing regulations that satisfy the riparian corridor safe harbor provisions.

Under the safe harbor approach for wetlands, the City is required to identify locally significant wetlands. In 2000, Woodburn completed a Wetlands Inventory and Riparian Assessment for land within the UGB. By a letter dated December 22, 1999, DSL approved the wetlands inventory. Ten individual wetland sites or wetland complexes were determined to be locally significant, nine along the main stem of Mill, Senecal, East Senecal or Goose Creeks. The tenth is a short length of a minor drainage that flows directly into Mill Creek. The Council adopted the wetlands inventory and riparian assessment, as a background document, in the periodic review amendment ordinance.

Winterbrook inventoried the wetlands, stream corridors, floodplains and wildlife habitat for special status species within the UGB study area, Technical Report 3, Potential UGB Expansion Area Analysis, Natural Resources Inventory. The Council reviewed the study and concluded the information was adequate. The Council adopted Technical Report 3, as a background document, in the periodic reviews amendment ordinance.

The safe harbor provisions applicable to wetlands, riparian corridors, and associated fish and wildlife habitat contain some common requirements. The development regulations must contain a variance procedure to be used when the regulations create a “hardship” on an applicant, a procedure to address map error claims, and a procedure to reduce or remove restrictions if the restrictions cause the land to be unbuildable. Both also require restrictions (prohibition) on grading.

Within the riparian corridor setback, the safe harbor standards require the City to limit conflicting uses by adopting an ordinance that prevents permanent alteration of the riparian area by grading or placement of structures or impervious surfaces. Exceptions may be granted for streets, roads, paths, drainage facilities, utilities, irrigation pumps, water-related or water-dependent uses, and replacement of existing structures, provided intrusion into the riparian area is minimized.

Woodburn has addressed both wetlands and riparian corridor requirements by amending the Significant Wetlands Overlay District with a Riparian Corridor Wetlands Overlay District (RCWOD).

Groundwater Resources (OAR 660-023-0140)

A city is required, at each periodic review, to inventory and protect significant groundwater resources. Significant groundwater resources are limited to 1) critical groundwater areas and groundwater limited areas designated by Oregon Water Resources Commission (OWRC); and 2) wellhead protection areas if a city chooses to designate such areas. OAR 660-023-0140(2).

The Oregon Department of Human Services and Department of Environmental Quality have developed a Source Water Protection Plan for the City. The plan inventories potential sources of contamination, establishes best management practices for industries within the influence zone of the City's wells, allows the City to develop ordinances to provide protection of the aquifer, and maps the flow patterns of the aquifers. The Troutdale aquifer, from which the City's wells obtain

the City's drinking water supply, is not a critical or restrictively classified groundwater area. The City does not plan at this time to request certification of the delineations in the Source Water Protection Plan for Statewide Planning Goal 5 purposes.

Mineral and Aggregate Resources (OAR 660-023-0180)

The Council reviewed the Marion County Comprehensive Plan with regard to mineral and aggregate resources in the UGB amendment study area. The plan does not contain any such site on its inventory. Marion County's plan has been acknowledged as complying with Goal 5. Woodburn is not including any mineral or aggregate resources. Woodburn has not received any new information concerning mineral or aggregate resource sites. Consequently, OAR 660-023-0180 does not apply to these periodic review decisions pursuant to OAR 660-0023-0250 (5).

Energy Sources (OAR 660-023-0190)

(1) *For purposes of this rule,*

(a) *"Energy source" includes naturally occurring locations, accumulations, or deposits of one or more of the following resources used for the generation of energy: natural gas, surface water (i.e., dam sites), geothermal, solar, and wind areas. * * **

(2) *In accordance with OAR 660-023-0250(5), local governments shall amend their acknowledged comprehensive plans to address energy sources * * * **

No natural gas, surface water, geothermal, solar, or wind area resource sites have been identified in the Woodburn area. Nor are there any energy resource sites that have been applied for or approved by EFSC or FERC. This rule does not apply to Woodburn.

Comprehensive Plan Amendments

The 2003 amendments to the Comprehensive Plan inserted a new (previously there was none) narrative statement concerning natural and cultural resources. It addresses wetlands and riparian areas. The 2005 amendments to the natural and cultural resources element included some revisions to policies and two new policies. The natural and cultural resources were renumbered from "N," to "J."

Development Ordinance Amendments

Under the safe harbor provisions for riparian corridors the City is required to adopt regulations that prevent the permanent alteration of the riparian area and that restrict the following activities in a wetland: grading, excavation (i.e., removal), placement of fill, removal of vegetation, other than perimeter mowing and other cutting necessary for hazard prevention.

The Division of State Lands regulates the removal of materials from and fill materials in wetlands. A DSL permit is required to remove or fill 50 cubic yards or more of materials from or into a wetland. Woodburn relies on the DSL permit process to satisfy the requirement to restrict removal and fill in wetlands.

The requirement that a city prohibit permanent alteration of riparian corridors is subject to exceptions for the following activities and uses: streets, road and paths; drainage facilities, utilities; water related and water dependent uses; replacement of existing structures. Both safe harbor provisions require regulations to prevent removal of vegetation. However, the two areas have different provisions. For wetlands the requirement to prevent vegetation removal does not apply to “perimeter mowing” or “cutting necessary to prevent hazard.” For riparian corridors it does not apply to: “non-native vegetation and replacement with native plant species” or removal “necessary for the development of water-related or water-dependent uses.”

Woodburn amended the WDO to include safe harbor regulations to satisfy the above requirements. The amendments expanded the Significant Wetlands Overlay District into a Riparian Corridor and Wetlands Overlay District (RCWOD), Section 2.113 of the WDO. The general location of the riparian corridor, wetlands and floodplains are shown on the 2005 Comprehensive Plan Map. The location of the RCWOD is shown on the Official Woodburn Zoning Map. The RCWOD includes locally significant wetlands, the 50-foot riparian corridor areas on each side of the fish bearing stream, and the 100-year floodplain in buildable areas shown on the Woodburn Buildable Lands Inventory.

Applicants for land divisions and new commercial, industrial, or multi-family development may use the Planned Development process and transfer density from unbuildable riparian corridors to buildable land.

Anyone proposing conflicting uses or activities within the mapped RCWOD is required to obtain a RCWOD permit, pursuant to Section 5.101.11 of the WDO.

Buildable Lands Affected by Protecting Resources (OAR 660-023-0070)

Protecting riparian corridors and wetlands as required by the Goal 5 safe harbor provisions reduces the total land available for development. Most future residential land needs will be satisfied within the 2002 UGB because Woodburn has increase residential density within the 2002 UGB. To satisfy unmet residential and public land needs for industrial development, Woodburn has amended the urban growth boundary to provide additional lands available to meet projected needs.

Goal 6: Air, Land and Water Resources Quality

Goal 6 requires that “air, land, and water resource quality” not be “degraded” because of planned urban development. DEQ is responsible for administration of the Clear Air Act and the Clean Water Act at the state level. Cities meet Goal 6 through demonstration of compliance with Environmental Quality Commission (EQC) air, land and water quality administrative rules. Water quality standards typically are met through EQC approval of plans for sanitary sewer systems. DEQ also regulates point and non-point source emissions related to water and air quality.

Along with other affected state agencies, DEQ was notified of the proposed plan amendment package. Woodburn complies with all applicable EQC requirements.

Goal 7: Areas Subject to Natural Disasters and Hazards

The provisions of Goal 7 are as follows:

To protect life and property from natural disasters and hazards.

Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazards.

Areas of Natural Disasters and Hazards – are areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

Goal 7 requires cities to adopt measures to protect life and property from natural hazards and disasters, such as floods, erosion, landslides, earthquakes, and weak foundation soils. Because Woodburn is relatively flat, it does not have significant land slide hazards or erosion and deposition hazards. Woodburn has considerable land within the 100-year floodplains of Mill Creek, Senecal Creek and their tributaries.

Woodburn has protected the lands inside the 2002 (pre-amendment) UGB from flooding by adopting the Woodburn Floodplain regulations (Ordinance No. 2018). Winterbrook inventoried the floodplains in the eight UGB study areas, Technical Report 3 Potential UGB Expansion Area Analysis, Natural Resources Inventory.

The flood insurance maps prepared by the Federal Emergency Management Agency (FEMA) are used to identify the area affected by a 100-year flood. Using this data, the ordinance defines the maximum floodway width of Mill Creek as 150 feet wide and of Senecal Creek as 145 feet wide. Most tributaries are identified as having a maximum floodway width of 80 feet, one tributary to Mill Creek (basin no. 3) has a narrower maximum floodway width of 60 feet and one (basin no. 6) has a wider floodway width of 100 feet.

A floodplain development permit is required for any construction in these defined floodways. The floodplain permits are reviewed and issued by the City Engineer. The ordinance requires that the city maintain a 40-foot wide floodway on all existing open channels. If proposed construction will alter a watercourse, the ordinance requires the City Engineer to do the following:

- (1) Notify adjacent communities and the state agency responsible prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- (2) Require that maintenance is provided within the altered and relocated portion of the watercourse so that the flood carrying capacity is not diminished.

Any new construction within the 100-year floodplain is required to be anchored. Manufactured homes in the 100-year flood plain are required to be placed on fill and elevated above the level of a 100-year flood. There are restrictions on the storage of certain materials in the 100-year floodplain.

The living area of residential uses is required to be at least 1.5 feet above the level of a 100-year flood. Enclosed areas below the living area must be designed to equalize flood forces. For nonresidential uses, the lowest floor must be 1.5 feet above the level of a 100-year flood, or be flood proof, resist flood pressure and buoyancy.

Within the defined floodway (60 to 80 foot width) fill is required to be engineered. Fills within the 100-year floodplain may not have slopes greater than 33 percent. Fills are required to be outside the 40-foot floodway and must be minimized.

To comply with Goal 7 the Council has protected floodplains within buildable areas by the Riparian Corridor Wetlands Overlay District (RCWOD).

Goal 8: Recreational Needs

Goal 8 has no implementing administrative rule.

Woodburn adopted an update to its Parks and Recreation Plan in 1999. That plan was acknowledged to comply with Goal 8 and it satisfied completion of Work Task No. 5 of the City's periodic review order. The plan was designed to serve the City's needs through the year 2020, which when the plan was prepared was projected to be 26,290 persons.

The current projected population for Woodburn for the year 2020 is 34,919, 8,629 more people than the adopted Parks and Recreation Plan provides for. Because Woodburn's population is expected to grow, new park land will be needed to serve the new growth.

Woodburn has designated 16.33 acres of city-owned area at the upper end of Mill Creek within the City as greenway and open space (Hermanson I, II, III, and Wyffle parks). The City is committed to preserving creek corridors as greenways left in a natural state. There are four public elementary schools, two middle schools and one high school within Woodburn. Often active recreation activities are provided on school district ball fields and recreation areas. The parks plan identifies several types of park and recreation facilities:

- Mini-park
- Neighborhood / School park
- Community park (Legion and Settlemier parks - no new parks recommended)
- Municipal park Centennial Park - No new parks recommended)
- Special use / cultural resource facility
- Greenways, open space, trails and pathways - Mill Creek and Goose Creek are recommended as a system of public greenways and pathways. Their recreational functions recommended to be limited to open space and habitat preservation, flood control, cycling and walking, nature recreation and limited playground activities.

Mini-parks and neighborhood park/school parks are the types of facilities likely to be needed for future growth. Mini-parks are small parks within 1.4 mile radius. No standard level of service per 1,000 people is identified in the Parks plan for mini-parks. They are included in the standard for neighborhood/school parks. Neighborhood/School parks are facilities that serve the active and passive recreation needs of a neighborhood, generally should include playground equipment, a hard surface sports court and a playfield, and may also include picnic areas, vegetation, and other amenities. The standard included in the park plan for these facilities is 7.69 acres (this standard includes mini-parks.)

The UGB Justification Report explains how Winterbrook used the 1999 Park and Recreation Plan to project year 2020 park land needs. In projecting the amount of park needs through 2020, Winterbrook applied a ratio of 7 acres per 1000 population to project need for neighborhood

parks and assumed that 50 percent of the park needs would be satisfied on school lands. As explained in the UGB Justification Report, Winterbrook applied the ratio to the projected population of 34,919 and subtracted existing park lands (including 50 percent of school sites) to determine needed park acreage. The 2005 UGB includes sufficient land to meet identified park needs through the year 2020.

In Woodburn's case, improving the city's park and recreation system probably will make the city more attractive to firms that may choose to locate in the area. Generally, publicly owned land that is reserved for parks is not considered available for private economic development. This assumption is reflected in the 2005 Buildable Lands Inventory.

Comprehensive Plan Amendments

The Parks and Recreation provisions of the Comprehensive Plan, which were in section "L", were moved to section R.

Goal 11: Public Facilities and Services

Goal 11 requires Woodburn to demonstrate that it can provide adequate public facilities and services to serve buildable land within the UGB. Woodburn and Marion County have agreed in their UGBMA that Woodburn shall be responsible for public facilities planning within the Woodburn UGB. The Goal 11 rule (OAR Chapter 660, Division 11) requires Woodburn to adopt “public facilities plans” that addresses sanitary sewer, storm drainage, water and transportation facilities necessary to support planned housing and employment growth. The PFP must inventory and assess existing facilities, and identify needed public facilities projects, their approximate timing and estimated costs.

Water, Storm Water, Sanitary Sewer, and Transportation Services

Woodburn is the only provider of water, sanitary sewer and storm sewer services in the Woodburn UGB and is the provider of local transportation services and facilities. Woodburn adopted the Public Facilities Plan (PFP) in its periodic review amendment package as a functional element of the Woodburn Comprehensive Plan. The PFP contains an inventory and general assessment of the condition of the significant public facility systems of the City's water, sanitary and storm sewer systems. The PFP contains lists of needed projects for the water, sanitary, transportation and storm sewer systems that are needed to support the land use designated in the amended comprehensive plan. Appendix A of the plan contains the list of projects and maps from the 2005-2006 capital improvement program for the next six years.

Woodburn prepared an analysis of public services and facilities needed to service the alternative urban growth boundary expansion areas. Woodburn used this information in selecting the lands it added to the UGB. Exhibit C to the PFP contains the City's analysis of costs to serve each of the UGB study areas. Exhibit B to the PFP contains maps illustrating how Woodburn could provide water, storm water and sanitary sewer facilities to the three UGB expansion areas. The TSP shows maps needed arterial, collector and service collector streets within the expand 2005 UGB.

For transportation services, the public facilities planning rule requirements are satisfied in the Woodburn Transportation System Plan (2005). Woodburn updated its Transportation System Plan (TSP) in coordination with Marion County, the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT). Short and long-term projects from the TSP are included within the PFP. The Woodburn Comprehensive Plan (2005) transportation goals and policies were amended to be consistent with the amended 2005 TSP.

Fire Service

The City of Woodburn is located within the boundary of the Woodburn Fire District that comprises an area that extends several miles outside of the Woodburn UGB. The Woodburn Fire

District provides fire protection services for the city and is governed by an elected board unaffiliated with the city. The city has coordinated this comprehensive plan update with the Fire District.

Public Schools

The City of Woodburn is located within the boundary of the Woodburn School District that comprises an area that extends several miles outside of the Woodburn UGB. The Woodburn School District is governed by an elected board unaffiliated with the city. The city has coordinated this comprehensive plan update with the School District.

Police Protection

The City of Woodburn Police Department provides police services to the city. This comprehensive plan update has been coordinated with the Police Department to enable them to plan for future police service needs.

Recreation Facilities and Services

The City of Woodburn Parks and Recreation Department provides recreation facilities and services in the city. This comprehensive plan update has been coordinated with the Parks and Recreation Department to enable them to plan for future parks and recreation needs. The city adopted an updated Parks and Recreation Master Plan in 1999 to address parks and recreation facility needs for the 20-year planning period.

Storm Water Service

See Public Facilities Plan.

Transportation Services

See Goal 12 findings and Public Facilities Plan

Goal 12: Transportation

Goal 12 provides as follows:

"To provide and encourage a safe, convenient and economic transportation system."

The Transportation Planning Rule (TPR) and the Oregon Highway Plan (OHP) implement Goal 12. The TPR requires local governments to prepare a "transportation systems plan" (TSP) that meets the requirements of OAR 660-012-020 through 055. The OHP is a component of Oregon's Statewide Transportation Plan, and includes policies and investment strategies for the state highway system over the next 20 years. The Council approved an update to the Woodburn Transportation System Plan (2005) (hereafter the 2005 TSP). Purposes of the update were to satisfy requirements of the Goal 12 administrative rule and the OHP, update the Woodburn transportation model, make the 2005 revised Comprehensive Plan and the TSP internally consistent, and adopt regulations to implement the TSP.

660-012-0015 - Preparation and Coordination of Transportation System Plans

- (3) ***Cities * * * shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction * * * :***
- (a) ***Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP;***
- * * *
- (4) ***Cities * * * shall adopt * * * local TSPs * * * as part of their comprehensive plans.***
- (5) ***The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.***

The Council adopted the 2005 TSP as an element of the Comprehensive Plan. The TSP contains a preferred transportation system for the City's UGB for implementation over the next 20 years. The preferred system meets the City's needs over the planning period and includes the following components:

- Street system plan
- Intracity and intercity transit facilities plans
- Pedestrian plan
- Bicycle plan
- Rail facilities plan
- Air, water, and pipeline transport facilities plans
- Transportation demand management programs

The 2005 TSP is consistent with the Marion County TSP and the Oregon TSP. As Woodburn prepared the 2005 TSP, it coordinated with the staffs of Marion County, ODOT and DLCD.

Other agency plans and policies affecting the Woodburn TSP were reviewed and considered. See Chapter 2 of the 2005 TSP.

660-012-0020 - Elements of Transportation System Plans

- (1) A TSP shall establish a coordinated network of transportation facilities adequate to serve *** local transportation needs.**
- (2) The TSP shall include the following elements:**
 - (a) A determination of transportation needs***;**
 - (b) A road plan***. Functional classifications of roads*** consistent with functional classifications of roads in state and regional TSPs and shall provide for continuity between adjacent jurisdictions. The standards for the layout of local streets shall provide for*** bike and pedestrian circulation***. New connections to arterials and state highways shall be consistent with designated access management categories.*** The standards for the layout of local streets shall address:

[street extensions and connections]**

Figure 7-1 shows the functional classification designations for all existing and future streets. The 2005 TSP has the following street improvement standards for City streets.

- (i). Arterials**
 - a. major arterial
 - b. minor arterial
- (ii). Service collector**
- (iii). Access street/commercial with parking on both sides**
- (iv). Local residential streets**
 - a. with parking on both sides
 - b. with parking on one side (new)
 - c. with no parking (new)
- (v). Local industrial (new)**

The street design standards are shown in Figure 7-2. The cross sections in Figure 7-2 are for planning and design purposes. On both access and local streets, the inclusion of planting strips will be determined at the time of development approval. In instances where no planting strip is provided, the sidewalk is to be curb-tight. On major and minor arterials, a raised median can be constructed in lieu of the center turn lane.

OTC has adopted a rule (OAR 734 Division 51) on access management standards that a city must use in its transportation planning. It includes provisions for development of access facility management plans and interchange management plans.

(c) A public transportation plan which:

The Woodburn transit system currently operates weekdays between the hours of 9:00 a.m. to 5:00 p.m. along a one-way route. The TSP looked at four transit alternatives that involved extending operating hours, frequency, and two-way routes. The TSP concluded that the order of preference for City implementation of the transit improvements is:

- *Increase service frequency of the existing fixed route*
- *Convert the single route into two-way operations*
- *Create two routes in the east/west direction, with either one-way or two-way operations*
- *Consider converting paratransit system to a local social service*
- *Provide a fixed shuttle service between Woodburn and Portland or Salem*

* * *

(d) A bicycle and pedestrian plan * * *

The 2005 TSP identified a need for a continuous system of sidewalks or trails connecting neighborhoods with employment centers, pedestrian attractors, and transit stops. The 2005 TSP recommends that Woodburn should continue to require that new sidewalks that meet ADA standards and retrofit existing facilities, as funding is available, balanced with developing an off-street pathway system.

For bicycle facilities, the 2005 TSP recommends on-street bicycle lanes on all arterial streets and a limited number of higher volume collector streets. The on-street system would be supplemented by an off-street trail system developed along the Mill Creek and Goose Creek corridors. Retrofitting of existing streets should be balanced with the provision of an off-street pathway.

* * *

(h) Policies and land use regulations for implementing the TSP * * * ;

(i) * * * a transportation financing program * * *

The amendments the Council made to the WDO are addressed elsewhere in these goal 12 findings. The 2005 TSP addresses transportation financing in Section 8.

(3) Each element identified in subsections (2)(b)–(d) of this rule shall contain:

(a) An inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition:

(A) The transportation capacity analysis shall include information on:

- (i) ***The capacities of existing and committed facilities;***
- (ii) ***The degree to which those capacities have been reached or surpassed on existing facilities; and***
- (iii) ***The assumptions upon which these capacities are based.***

**** * * ;***

- (C) ***The transportation facility condition analysis shall describe the general physical and operational condition of each transportation facility (e.g., very good, good, fair, poor, very poor).***

Section 3 of the 2005 TSP contains an inventory and an assessment of deficiencies of existing transportation facilities within the 2005 amended UGB. Section 4 of the 2005 TSP summarizes the anticipated future transportation system deficiencies. The methodology and assumptions for determining future deficiencies are addressed in Section 4 of the 2005 TSP.

Volume II of the 2005 TSP contains appendixes, which include data on the capacities of the existing transportation system. Appendix B contains worksheets on the existing level of service.

- (b) ***A system of planned transportation facilities, services and major improvements. The system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and levels of service;***
- (c) ***A description of the location of planned facilities, services and major improvements, * * * This shall include a map showing the general location of proposed transportation improvements * * * ;***
- (d) ***Identification of the provider of each transportation facility or service.***

Woodburn assessed the needs of the road system; public transportation; bicycle and pedestrian system; air, rail, water and pipeline transportation. The assessment of needs is discussed in Chapter 4 of the 2005 TSP. Woodburn prepared an inventory of the existing conditions and deficiencies of its transportation system. See Chapter 3 and Volume II of the 2005 TSP. Woodburn then conducted an alternatives analysis that examined options including a no build alternative. From this information, Woodburn planned for a transportation system that includes road, public transportation, and bicycle and pedestrian plans and an associated financing program. The planned transportation system is discussed in Section 7 of the 2005 TSP.

660-012-0025 - Complying with the Goals in Preparing Transportation System Plans; Refinement Plans

- (2) ***Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.***

Woodburn, in Chapter 9 of the 2005 TSP, developed new comprehensive plan policies and zoning code language to ensure the 2005 TSP satisfies goal 12. Those plan policies and WDO

amendments were adopted. Most notably, the WDO adopted a new overlay district intended to preserve planned capacity improvements to the Woodburn I-5 interchange with Oregon Highway 214. That new provision is the Interchange Management Area (IMA) section of the WDO. This findings document, supported by the UGB Justification Report, satisfies this requirement.

660-012-0030 - Determination of Transportation Needs

- (1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:**
 - (a) * * * local transportation needs;**
 - (b) Needs of the transportation disadvantaged;**
 - (c) Needs for movement of goods and services to support industrial and commercial development planned for * * * .**
- (3) Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:**
 - (a) Population and employment forecasts and distributions * * * ;**
 - (b) Measures adopted * * * to encourage reduced reliance on the automobile.**

Woodburn evaluated its needs within the amended UGB in the planning area, in 2005 TSP chapters 3 and 4. The requirements of this section of the TPR guided that evaluation. The amended 2005 TSP is based on the coordinated 2020 population forecast of 34,919 and on the economic growth forecast in the Economic Opportunities Analysis and Economic Development Strategy. The amended TSP includes measures to encourage reduced reliance on the automobile. Transit system, pedestrian and bicycle facility improvements address needs of the transportation disadvantaged. A new south arterial is proposed, largely to meet the need for movement of goods and services to support industrial and commercial development.

660-012-0035 - Evaluation and Selection of Transportation System Alternatives

- (1) The TSP shall be based upon evaluation of potential impacts of system alternatives * * * . The following shall be evaluated as components of system alternatives:**
 - (a) Improvements to existing facilities or services;**
 - (b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs;**
 - (c) Transportation system management measures;**
 - (d) Demand management measures; and**
 - (e) A no-build system alternative required by the National Environmental Policy Act of 1969 or other laws.**

The 2005 TSP contains information on the alternatives considered. All of the TPR factors including a no-build analysis were considered. See Chapter 5 of the 2005 TSP.

The Council added a new section to the WDO, the Interchange Management Area (IMA) Overlay District, to preserve capacity of the Woodburn I-5 interchange with Hwy. 214. The District establishes trip budgets for planned commercial and industrial uses for each parcel in the district and for the whole district. All land use applications for parcels in the district must include a traffic impact analysis consistent with OAR 734 Division 51. Any application that exceeds the parcel's trip budget are subject to mandatory transportation demand management measures. Woodburn is required to monitor the cumulative impact from commercial, industrial and public city's and ODOT's responsibilities are contained in an inter-governmental agreement adopted by the Council. The new district specifically authorizes Woodburn to impose approval conditions to manage transportation demand.

The 2005 TSP recommended five transportation demand management strategies that could be incorporated into the WDO. The Council included one of those recommendations in the periodic review amendment to the WDO. The Council adopted a new nodal neighborhood commercial zone district.

In Section 5, the TSP considered street alternatives (additional to a no-building alternative considered in Section 4). Alternative 1 represents the minimum improvements necessary to meet system requirements. Alternative 3 is desirable, but is dependent on coordination with Marion County.

- (3) ***The following standards shall be used to evaluate and select alternatives:***
- (a) ***The transportation system shall support urban * * * development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan;***
 - (b) ***The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan;***
 - (c) ***The transportation system shall minimize adverse economic, social, environmental and energy consequences;***
 - (d) ***The transportation system shall minimize conflicts and facilitate connections between modes of transportation;***
 - (e) ***The transportation system shall avoid principal reliance on any one mode of transportation and shall reduce principal reliance on the automobile. * * ****
- (7) **** * * local TSPs shall include interim benchmarks to assure satisfactory progress towards meeting the requirements of this section at five year intervals over the planning period. * * ****

660-012-0040 - Transportation Financing Program

- (1) * * * the TSP shall include a transportation financing program.**
- (2) A transportation financing program shall include the items listed in (a)–(d):**
 - (a) A list of planned transportation facilities and major improvements;**
 - (b) A general estimate of the timing for planned transportation facilities and major improvements;**
 - (c) A determination of rough cost estimates for the transportation facilities and major improvements identified in the TSP;**
- (3) * * * In addition to including rough cost estimates for each transportation facility and major improvement, the transportation financing plan shall include a discussion of the facility provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each transportation facility and major improvement. * * * .**

*** * ***

- (5) The transportation financing program shall provide for phasing of major improvements to encourage infill and redevelopment of urban lands prior to facilities and improvements which would cause premature development of urbanizable lands or conversion of rural lands to urban uses.**

The 2005 TSP includes a financing plan that lists the planned facilities and improvements; estimated project timing, and identifies their rough cost estimates. See Chapter 8 of the 2005 TSP.

660-012-0045 - Implementation of the Transportation System Plan

- (1) Each local government shall amend its land use regulations to implement the TSP.**

*** * ***
- (2) Local governments shall adopt land use or subdivision ordinance regulations * * * to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:**
 - (a) Access control measures * * * which are consistent with the functional classification of roads * * * ;**

Section 3.104 of the WDO addresses access control standards.

- (b) Standards to protect future operation of roads, transitways and major transit corridors;**

Section 3.104 of the WDO provides standards to protect the future operation of roadways and transit corridors.

- (d) ***A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;***

Section 5.103 and 5.104 of the WDO, regarding Type II and Type IV applications, provide for a coordinated review process.

- (e) ***A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;***

WDO Section 4.101.15 provides all city decision makers the authority to impose conditions of approval reasonably related to impacts caused by the development on designed to ensure that all applicable approval standards are, or can be, met on Type I, III and IV decisions.

- (f) ***Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:***

- (A) ***Land use applications that require public hearings;***
(B) ***Subdivision and partition applications;***
(C) ***Other applications which affect private access to roads; and***

* * *

The Council amended WDO Sections 4.101.09, 5.103.07 and 5.105.09 to require notice of an application to ODOT and Marion County (if affected) of a preliminary partition, access to a city major or minor arterial street that requires a transportation impact analysis, preliminary PUD, preliminary subdivision and conditional use permit.

- (g) ***Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP.***

The Council amended WDO sections 5.104.02 (owner initiated plan map changes) and 5.104.04 (owner initiated zoning map changes) to address this requirement. The city must review both types of application to determine whether a transportation facility will be significantly affected and may require a Transportation Impact Analysis (TIA). The amendments add new approval criteria if the application would significantly affect a transportation facility. The Council amended WDO Section 6 Q to add comprehensive plan map changes and zoning map changes to the circumstances when the city could require a TIA.

- (3) ***Local governments shall adopt land use or subdivision regulations for urban areas * * * as set forth below. * * * .***

- (a) ***Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots;***

The Council amended WDO Section 3.105.02 to include multi-family dwelling units with four units to uses that are required to provide a bicycle rack.

- (b) ***On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.***
 - (A) ***"Neighborhood activity centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers;***
 - (B) ***Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, * * * ;***
 - (C) ***Cul-de-sacs and other dead-end streets may be used as part of a development plan, consistent with the purposes set forth in this section;***
 - (D) ***Local governments shall establish their own standards or criteria for providing streets and accessways consistent with the purposes of this section. * * * ;***

WDO Section 3.107.06 includes provisions for pedestrian and bicycle circulation and access. WDO Figure 6.9 shows street sections that include bicycle lanes and sidewalks for arterials, collectors, and most local streets. WDO Section 3.101.02.F.3 addresses the continuity of public bikeway and pedestrian facilities located off-street.

- (c) ***Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors;***

WDO Section 3.101.02.D.1.b addresses pedestrian and bikeway facilities. WDO Figure 6.9 shows street sections that include bicycle lanes and sidewalks for arterials, collectors and most local streets.

* * *

- (e) ***Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.***

WDO Section 3.107.06 includes provisions for pedestrian and bicycle circulation and access.

* * *

- (6) ***In developing a bicycle and pedestrian circulation plan * * * local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet local travel needs in developed areas. * * ****
- (7) ***Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. * * * Notwithstanding subsection (1) or (3) of this section, local street standards adopted to meet this requirement need not be adopted as land use regulations.***

The Council amended WDO Sections 3.101.03.A and B, and Table 3.1.1. The amendments removed figure 6.6 street cross section standards from the WDO and replaced it with figures 7-2 and Table 7-1 of the Transportation System Plan. There is a standard for each functional classification and the standards minimize the amount of pavement and ROW required for each street classification.

Woodburn has satisfied these requirements. See Chapter 9 of the 2005 TSP.

Woodburn added a new Interchange Management Area overlay district (IMA) to the WDO to monitor and manage the transportation capacity, safety and functionality around and at the Woodburn Interchange through trip generation estimates and numerical ceilings based on land use. The IMA district includes an exception for small properties.

660-012-0060 - Plan and Land Use Regulation Amendments

- (1) ***Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. * * ****
- (2) **** * * compliance with section (1) shall be accomplished through one or a combination of the following:***
 - (a) ***Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.***
 - (b) ***Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.***
 - (c) ***Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.***

- (d) ***Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.***
- (e) ***Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.***

The periodic review package contains amendments to functional plans, the Woodburn acknowledged comprehensive plan, and land use regulations. A principal reason for comprehensive plan amendments was to increase the supply of suitable industrial sites within the UGB. When compared with rural or residential land uses, industrial land uses generate relatively high levels of traffic, especially during peak hours. Therefore, industrial plan amendments are likely to “significantly affect a transportation facility.”

The City revised the TSP to reflect changes in population, employment and land use adopted in the revised 2005 comprehensive plan. The 2005 TSP includes goals and objectives, forecasts traffic growth in the City, and identifies transportation improvements needed to satisfy the forecasted growth. The 2005 TSP:

- Establishes the functional classification of roads and streets
- Evaluates interchange alternatives
- Establishes alternative modes of transportation

Subsections (1) and (2) require that the levels of development allowed by amendments to the comprehensive plan, functional plan and development regulations result in levels of traffic that are consistent with the performance standards established in the TSP for existing and planned transportation facilities. The rule provides that a city can satisfy this requirement in one of five ways. Woodburn satisfied the requirement by following subsection (2)(b). The Council amended the TSP to provide facilities, improvements and services adequate to support the land uses in the amended Comprehensive Plan, including adopting a funding plan to provide the facility, improvements or services by the end of the planning period (year 2020).

* * *

- (4) ***Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.***

As Woodburn prepared the 2005 TSP, it coordinated with the staffs of Marion County, ODOT and DLCD. Other agency plans and policies affecting the Woodburn TSP were reviewed and considered.

CONCLUSION:

The City of Woodburn's Transportation System Plan (2005) complies with the requirements of Goal 12 regarding transportation.

Goal 13: Energy Conservation

Goal 13 Provides as follows:

To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

LCDC has adopted a rule implementing Goal 13. There are no known non-renewable sources of energy in the Woodburn UGB. The 2005 comprehensive plan and implementing regulations increase allowed residential densities to an average of 10 units per acre and require all development to achieve at least 80% of the density allowed. Under commonly used measures of need, Woodburn has a need for an additional 202 net buildable commercial acres. The Council added only 32 net buildable acres of commercial land (about 5% of the existing commercial land base) to meet future need. Consequently, most future commercial employment would be located on existing commercial lands through intensification and redevelopment, which reduces the length of vehicle trips traveled.

The 2005 UGB amendments are adjacent to the existing UGB, thus maintaining a contiguous, compact, energy-efficient urban growth form and reducing vehicle miles traveled. The UGB amendments rely on gravity flow sanitary sewer collection, thus eliminating the need for sanitary sewer pump stations.

Goal 13 requirements have been met by using transportation facilities more efficiently, and minimizing vehicle miles traveled by placing housing near employment.

Comprehensive Plan Amendment

Woodburn amended one energy policy, as follows:

- 1-2. The City shall *increase its commitment to energy conservation, including alternative energy vehicles, increased recycling, and reduction in out-of-direction travel. The City shall encourage its citizens and visitors to conserve energy. Where feasible, the City should retrofit City buildings and structures so that they may be more energy efficient.*